

**MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS
COUNTY BOARD OF ADJUSTMENT HELD THURSDAY, NOVEMBER 13,
2014, NORTHLAND OFFICE CENTER, VIRGINIA, MN, 9:00 a.m. – 9:25 a.m.**

Board of Adjustment members in attendance:

Tom Coombe (Alternate)
Steve Filipovich
Kurt Johnson
Dale Long
David Peterson
Sonya Pineo (at 9:15)
David Pollock
Diana Werschay, Chair

Board of Adjustment members absent:

None - 0

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

Dennis Rabe, S30, T57N, R19W (Cherry)

OTHER BUSINESS:

Motion by Peterson/Long to approve the minutes of the October 6, 2014 meeting.

In Favor: Filipovich, Johnson, Long, Peterson, Pineo, Pollock - 6

Opposed: None – 0

Abstained: Coombe, Werschay - 2

Motion carried 6-0-2

PUBLIC HEARING:

Case 6008 – Dennis Rabe

The only hearing item was for Dennis Rabe, S30, T57N, R19W (Cherry) at 10598 Highway 37, Hibbing, MN. *Mark Lindhorst*, St. Louis County Planner, reviewed the staff report, as follows:

- A. The request is to replace a dwelling addition located 18 feet from the side property line where 50 feet is required.
- B. The applicant is replacing an existing garage and breezeway. Because the garage is larger than the existing garage and will be built closer to the road, the applicants need a variance. The new addition will not be closer to the side property line than it already is.

Mark Lindhorst reviewed staff's conclusions as follows:

1. The variance request is not in harmony with the general purpose and intent of official controls. However, due to the fact that the parcel is a lot of record and was established prior to zoning controls, it is difficult for the setback requirements to be met and the building envelope is limited to 60 feet. The West Range Land Use Plan is silent on the matter of reduced setback structures. In addition, the replacement addition will be placed in the same location minimizing the disturbed area on the parcel. The only other location to place an addition is to the rear. However, the main entrance to the house is on the side

where the replacement addition is being proposed.

2. A practical difficulty has been demonstrated in complying with the official controls. The main entrance to the house is on the side where the replacement addition is being proposed. There are no other suitable locations to construct an addition to the structure without major renovation to the interior of the home. The applicant would be allowed to replace the addition without variance under Minnesota Statute 394.36. However, they are requesting an increase in the size of the addition which is not allowed under the statute, thus the need for a variance. In addition, the lot is only 160 feet wide. The setback requirements only allow a 60 foot side building area. Due to the existing placement of the house on the lot, an addition to either side of the structure would not meet the required 50 foot setback.
3. A circumstance unique to the property is the 160 foot lot width in an area that requires a 50 foot setback from property lines for principal structures. There are only two other parcels in the immediate area that have the same lot width and these parcels were all created prior to the MUNS-4 zoning designation that requires a 50 foot setback.
4. The variance will not alter the essential character of the locality. The applicant is proposing to replace an addition to an existing structure that has been in place for over 50 years. The addition will not be placed closer than what has already been established. The neighboring residential structure to the east is also located at a nonconforming side yard setback.
5. Taking everything already mentioned into consideration, the variance should be approved because the applicant is replacing an addition that was poorly constructed without a good foundation. The addition could be replaced under MN Statute 394.36, but the applicant is requesting the addition be increased by 192 square feet. The landowner has met the burden to show reason for the need for the variance.

Mark Lindhorst noted no items of correspondence.

STAFF RECOMMENDATION:

Staff recommends that the variance request for an addition 18 feet from the side property line be approved.

Mary Rabe, the applicant, stated that they are expanding the garage seven feet towards the road to increase storage space and have enough space to park two cars.

No audience members spoke regarding this proposal.

DECISION

Motion by Coombe/Long to approve a variance request for a dwelling addition located 18 feet from the side property line based on staff conclusions and recommendations.

In Favor: Coombe, Filipovich, Johnson, Long, Peterson, Pollock, Werschay - 7

Opposed: None – 0

Abstained: Pineo – 1

Motion carried 7-0-1

MOTION TO ADJOURN was made by Peterson. The meeting was adjourned at 9:25 a.m.